

## REMARKS

Applicant intends this response to be a complete response to the Examiner's **25 June 2003** Non-Final Office Action. Applicant has labeled the paragraphs in his response to correspond to the paragraph labeling in the Office Action for the convenience of the Examiner.

### *Rejections Under 35 U.S.C. §103*

**Claims 1-14** stand rejected under 35 USC 103(a) as being unpatentable over Kersting (1983) in view of time clock plus.com (www.timeclockplus.com) and in further view of Stephanou (US 6505166).

The Examiner contends as follows:

Regarding claim 1, Kersting discloses a system on a computer network for medical students for tracking and verifying various activities. The specific components of a GUI, database, logon, student, staff, clinician, and faculty subsystems would be obvious to one of ordinary skill in the art to include since they are the basic components of a network system of this form. Kersting fails to disclose time in and time out routines for time stamping a user's activity. Timeclockplus.com teaches the use of a computerized system for tracking an employee's work hours. Using the Internet Archive Wayback Machine (www.archive.org), it was found that the Timeclockplus.com main page was first made available to the public on February 9, 1999 and is therefore prior art. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to include a time clock system in the system of Kersting so a more accurate record can be kept on each individual student. Kersting also fails to disclose a survey system Stephanou teaches a survey requesting customer feedback about satisfaction with the service provided. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to include a survey for student feedback about the service provided in Kersting as disclosed in Stephanou to provide information about the success of the system so improvements may be made for a better overall performance.

Applicants acknowledge that Kersting appears to relate to a clinical information system, but it relates to a system implemented on a **stand-alone computer** "without linking to other university networks." Kersting abstract third paragraph end of first sentence. Thus, Kersting clearly teaches away from a clinical information system implemented on a fully integrated computer network system such as the internet - an interconnected networked distributed computing system. Applicants have ordered the full dissertation, a copy attached, and the full dissertation clearly evidences that the system was specifically designed and implemented on a stand alone micro-computer, which allowed for improved control and flexibility. The dissertation also evidenced that the data was entered from data forms by a data entry person.

On the contrary, the present invention is designed specifically for implementation on a distributed computer network like the Internet. It is designed to be accessible from many different locations for a variety of purposes: student for data entry, supervisors for data entry, data verification, data submission and data analysis, administrators for data analysis and reporting and accreditation personnel for program review and approval. Thus, the accreditation boards can review student performance results from their own facilities without having to travel to each university to review student performance data. Moreover, data entry is performed directly by the student during the entire clinical phase allowing supervisors to oversee many students without having to physically observe them and to track student progress based on the student's time stamped data entries. Furthermore, data submission is only possible after supervisor approval of the students performance provided an additional check-and-balance system. Thus, Kersting does not disclose teach or suggest a student tracking, performance review and accreditation review system implemented on a fully networked computer system. In fact, Kersting clearly teaches directly a way from the present invention which is actually the antithesis of a stand alone computer system.

While timeclockplus.com discloses a time stamp process, coupling this time stamp process with a reference that teach solidly away from the present invention does nothing to remove the deficiencies of the principal reference, Kersting. Moreover

As to Stephanou, Applicants antedate this reference as the Stephanou patent in as 102(e)/103 reference and the subject matter of the present invention was filed as a provisional application on 6 December 1999, which was derived from an invention disclosure dated 13 July 1999 forwarded to Applicants' attorney on 30 September 1999. Thus, the subject matter of this invention was invented before the provisional priority date of 23 November 1999 of Stephanou. Thus, Stephanou cannot be used in combination with Kersting and timeclockplus.com, but even if it could, the addition of Stephanou does not cure the deficiencies of Kersting.

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Affidavit

Because Kersting, the primary reference, teaches squarely away from a student performance management system implemented on a distributed computer network, and on a stand alone system and because neither timeclockplus.com nor Stephanou cure this deficiency. The combination of these references simply does not combine to form a student evaluation management system implemented on a distributed computer system such as the Internet. Applicants, therefore, respectfully request withdrawal of this section 103(a) rejection.

The Examiner contends as follows:

As to claim 2, it would have been obvious at the time the invention was made to a person of ordinary skill in the art to include a separate survey for each different user that can access the system since each person may have different functions available after they logon.

Applicants reassert the discussions set forth above. Again, because Kersting teaches away from such a program implemented on a distributed computer network and the other references do not cure this defect, the combination of the references cannot render claim 2 of this invention obvious. Applicants, therefore, respectfully request withdrawal of this section 103(a) rejection.

The Examiner contends as follows:

Regarding claim 3, modified Kersting discloses the specific time clock functions.

Applicants reassert the discussions set forth above. Again, because Kersting teaches away from such a program implemented on a distributed computer network and the other references do not cure this defect, the combination of the reference cannot render claim 3 of this invention obvious. Applicants, therefore, respectfully request withdrawal of this section 103(a) rejection.

The Examiner contends as follows:

Referring to claims 4-6, it would have been obvious at the time the invention was made to a person of ordinary skill in the art to include different functions on the system depending upon the particular user since each user performs different functions, i.e. students record observations and staff members review students' progress.

Applicants reassert the discussions set forth above. Again, because Kersting teaches away from such a program implemented on a distributed computer network and the other references do not cure this defect, the combination of the references cannot be render claims 4-6 of this invention obvious. Applicants, therefore, respectfully request withdrawal of this section 103(a) rejection.

The Examiner contends as follows:

In regards to claims 7, 8, 11, and 12, Kersting discloses the system residing on a server connected to the Internet and the system web-based.

Applicants reassert the discussions set forth above. Again, because Kersting teaches away from such a program implemented on a distributed computer network and the other references do not cure this defect, the combination of the reference cannot be render claims 7-8, and 11-12 of this invention obvious. Applicants, therefore, respectfully request withdrawal of this section 103(a) rejection.

The Examiner contends as follows:

As to claims 9, 10, 13, and 14, the method of entering, updating, and retrieving data would be obvious to any user of the system.

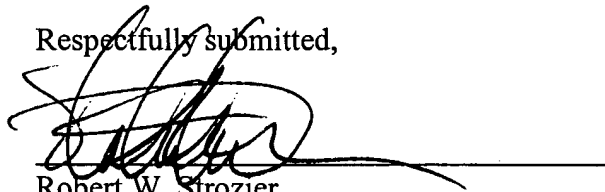
Applicants reassert the discussions set forth above. Again, because Kersting teaches away from such a program implemented on a distributed computer network and the other references do not cure this defect, the combination of the reference cannot be render claims 9-10 and 13-14 of this invention obvious. Applicants, therefore, respectfully request withdrawal of this section 103(a) rejection.

Having fully responded to the Examiner's Non-Final Office Action, Applicant respectfully urges that is application be passed onto allowance.

If it would be of assistance in resolving any issues in this application, the Examiner is kindly invited to contact applicant's attorney Robert W. Strozier at 713.977.7000

Date: September 29, 2003

Respectfully submitted,



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